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EXAMINER

GORT, ELAINE L

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/581,021

Applicant(s)

TAKEKUMA ET AL.

Examiner

Elaine Gort

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,47-58,69 and 70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,47-58,69 and 70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 47-58, 69 and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for being replete with instances of failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors and unclarities.

***The Examiner has provided the following as examples but the Applicant is responsible for reviewing all claims for compliance and submitting corrections as necessary.***

In claim 1 lines 6-9 it is unclear specifically what the first dealing processing means is capable of carrying out. The claim is unclear as to what limitations are being carried out due to the grammatical unclarity, functional and indefinite language which the Examiner construes as failing to positively and distinctly set forth structure and its interconnection(s). For example it is unclear what is meant by executing a sale by pre-engagement. Examiner has reviewed the Specification but it provides no additional clarity. Examiner is construing the first dealing processing means to incorporate the

execution of a sale based on buyers desired purchase date or the sellers expected sell date.

In claim 1 lines 10-12 it is unclear specifically what the second dealing processing means is capable of carrying out. The claim is unclear as to what limitations are being carried out due to the grammatical unclarity, functional and indefinite language which the Examiner construes as failing to positively and distinctly set forth structure and its interconnection(s). For example it is unclear as to what limitations are being carried out, it appears to be referring to determining an information processing order based on selling conditions or newly entered selling information, but it is unclear how the terms "among the selling information for unsold goods" fits in. It appears this claim could be written in a much clearer fashion.

It is unclear in claim 49 lines 5 and 6 as to what limitations are being claimed regarding "wherein the C1 dealing processing is executed after buying conditions are relaxed for the buying information unsold with said C2 dealing processing." It is unclear what is meant by C1 and C2. The Examiner has reviewed the specification where it discusses C1 and C2 and no clarity was gained.

It is unclear in claim 50 as to what limitations are being claimed. For example it mentions excluding a sale of unsold goods then later claims processing undosd goods as goods to be excluded from sale and as goods to be sold. It is unclear what is meant by this.

It is unclear in claim 52 lines 1-3 as to how the conditions for determining clusters are divided into plural levels. It is unclear how plural levels can determine clusters. It is

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further unclear what is meant by clusters. Examiner construes this to be groupings or related data.

***All of the claims should be reviewed for compliance and revised claims submitted as necessary.***

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1; 47-58; 69 and 70, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent 5,794,207) in view of Examiner's Official Notice.

Walker et al. discloses the claimed device but is silent regarding the goods sold on the system decreasing in value over time; and buyers entering desired buying date information and goods arrival place.

The Examiner takes Official Notice that it is old and well known in the art of trade for prices of goods to become lower with time as these goods may be, for example, perishable, become less desirable due to trends/fads/seasons and/or depreciate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Walker et al. with the sale of goods that have

prices that become lower with time as taught by Examiner's Official Notice, in order to sell goods that are perishable, become less desirable due to trends/fads/seasons, and/or depreciate.

The Examiner takes Official Notice that it is old and well known in the art of trade for buyers to include purchase dates and delivery locations in purchase agreement contracts to ensure the goods procured arrive at a specified location when the buyer needs them. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the buyer's binding purchase offers apparatus as modified above with the inclusion of purchase dates and delivery locations as taught by Examiner's Official Notice, in order to ensure the goods procured arrive at a specified location when the buyer needs them.

The following is provided for clarification of the rejection:

An apparatus for buying and selling goods connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying information output from said plural seller's terminal devices and said plural buyer's terminal devices for goods which decrease in value over time, (see Walker et al. abstract disclosing an Internet system for taking multiple buyer's binding purchase offers and matching these offers to sellers to form binding sales contracts, see also figure 1 showing the networked system. Note: Regarding where the market prices decline, Examiner has modified Walker with Official

Notice of selling goods that decrease in market value with time to incorporate goods that for example are perishable. See details above.) comprising:

First dealing processing means for executing a sale by pre-engagement based on said buying information including desired buying date information for the goods output from said buyer's terminal devices (Examiner construes the central controller 200 shown in figure 1 to execute a sale based on the buying information which Examiner has modified above to include buying date information to provide buyers with the assurance of receiving the goods at a certain time);

Second dealing processing means for determining a processing order for selling information based on selling conditions of the goods among the selling information for newly entered selling information on the seller's terminal devices;

Wherein the second dealing processing means collates the selling information for the goods and the buying information for the goods received from the buyer's terminals in the determined order, and wherein each subsequent sale results when the selling conditions agree with buying conditions for the goods (Examiner construes the buyer and seller databases shown in figure 2 to determine a processing order for the selling information as the seller database contains sellers' offers and are inherently saved in some organized order to allow retrieval of information for comparison to find a match with a buyer. Examiner construes the central controller 200 shown in figure 1 to process by "collating" (this term is construed by the Examiner to mean compare critically) sellers' and buyers' information in order to find a match to generate a sale.);

(Regarding claim 47) further comprising: a copying processing means for processing the selling information on unsold goods among the selling information output from the seller's terminal devices for goods to be sold through the second dealing processing means after executing processing of a sale by the first dealing processing means (Walker et al. is capable of generating multiple sales by matching a first buyer to a first seller, a second buyer to a second seller, etc... Therefore goods can be sold via the second processing means after goods are sold via a first dealing processing means.)

(Regarding claim 48) wherein the second dealing processing means determines a processing order of the selling information based on conditions of a selling information processing order to determine the processing order for the selling information, and determines a processing order of the buying information based on conditions of a buying information processing order to determine a processing order for the buying information corresponding to each selling information, and executes sequentially subsequent sales according to ordered information (Walker et al. is capable of generating multiple sales by matching a first buyer to a first seller, a second buyer to a second seller, etc... Therefore goods can be sold via the second processing means after goods are sold via a first dealing processing means. Walker stores information in buyer and seller databases such as the ones shown in figure 2 which are accessed and compared in order to match buyers and sellers, the system processes the data in some form of processing order in order for the data to be compared to make a match. For



example the data is processed/organized by the type of goods desired to compare sellers to buyers having and wanting the same good type.)

(Regarding claim 49) wherein the second dealing processing means include a C1 dealing processing function based on buying information with relatively easy conditions, and a C2 dealing processing function based on buying information with more rigorous conditions than the C1 dealing processing; and wherein the C1 dealing processing is executed after buying conditions are relaxed for the buying information unsold with the C2 dealing processing (Walker discloses the ability to process multiple sales and therefore is capable of processing a deal where a first seller desires a higher price and is matched with a buyer offering a higher price to generate a sale and later to process a deal where a second seller desiring a lower price is matched with a buyer offering a lower price to generate a sale.);

(Regarding claim 50) Third dealing processing means for executing a sale of unsold goods which result from either processing of the first dealing processing means or the second dealing processing means, wherein the third dealing processing means classified and displays the unsold goods as goods to be excluded from sale and as those goods to be sold (Walker discloses the ability to process multiple sales possibilities and therefore is capable of processing data of a first and second seller without making a sale but then processing data of a third seller and making a sale with a buyer. The status of the third seller's goods would then change to sold. Examiner takes Official Notice that it is old and well known in the art of computers to use displays to view data to allow managers of databases to view contents. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with a display as taught by Examiner's Official Notice, in order to allow managers of the databases to view contents of the seller's database to see the status of the seller's data.)

(Regarding claim 51) first cluster formation means for forming clusters of buying information for the goods having the same buying conditions in plural pieces of the buying information (Walker stores buyer's information which includes information such as a description of goods, figure 5, this is stored in a database which is searched to match seller's information. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the buyers' data (such as faster processing time);

second cluster formation means for forming clusters of selling information which meet buying conditions corresponding to the respective clusters of the buying information in plural pieces of selling information (Walker stores seller's information which includes information such as a description of goods, this is stored in a database which is searched to match seller's information. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to

one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the sellers' data (such as faster processing time);

dealing contract making means for making a sale by collating selling and buying information for the goods between the clusters formed by the first cluster formation means and the corresponding clusters formed by the second cluster formation means based on a predetermined processing order for the clusters of the buying information or a predetermined processing order for the clusters of the selling information (Walker discloses the matching of buyer and seller information in order to make a sale. Walker stores information in buyer and seller databases such as the ones shown in figure 2 which are accessed and compared in order to match buyers and sellers, the system processes the data in some form of processing order in order for the data to be compared to make a match. See discussion above regarding "collating".);

(Regarding claim 52) wherein conditions for determining clusters by the first cluster formation means and the second cluster formation means are divided into plural levels; and

wherein the dealing contract making means executes a bargain between the buying information cluster formed by the first cluster formation means and the selling information cluster formed by the second cluster formation means having the same level as the level of the buying information cluster. (Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into

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categories and subcategories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data into categories and subcategories as taught by Examiner's Official Notice, in order to provide fast access to the sellers' data (such as faster processing time. For example the category may be "airline tickets" and the subcategory may be "flights to Australia". In this scenario only seller information relating to tickets to Australia is matched with buyer's desiring tickets to Australia.);

(Regarding claims 53 and 54) buying information readout means for determining a processing order for the plural pieces of buying information based on predetermined conditions, and reading out respective buying information in the determined order (Walker stores buyer's information which includes information such as a description of goods, figure 5, this is stored in a database which is searched to match seller's information. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the buyers' data (such as faster processing time);

cluster formation means for forming clusters of selling information for the goods which have the buying conditions contained in the readout buying information (Walker

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stores seller's information which includes information such as a description of goods, this is stored in a database which is searched to match seller's information with a similar description of goods. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the sellers' data (such as faster processing time);

dealing contract making means for making a sale by linking respective selling information contained in the clusters of the selling information for the goods formed by the cluster formation means with the readout buying information (Walker discloses the matching of buyer and seller information in order to make a sale. Walker stores information in buyer and seller databases such as the ones shown in figure 2 which are accessed and compared in order to match buyers and sellers, the system processes the data in some form of processing order in order for the data to be compared to make a match. );

(Regarding claim 55) dealing processing means of executing processing of a sale based on the buying information including requested buying date information and arrival place information output from the buyer's terminal devices (Walker discloses processing of a sale based on buying information. Examiner has modified Walker

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above to include a delivery date and location so buyers can have the goods when they need them.)

a distribution cost table defining each distribution cost for every shipping place and arrival place (Examiner takes Official Notice that it is old and well known in the art of supply chain automation to use delivery cost tables to provide buyers and/or seller's with the cost for delivery of goods so it can be incorporated into the cost of the goods. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system as modified above with a delivery cost table as taught by Examiner's Official Notice, in order to provide buyers and sellers with delivery costs so it can be incorporated into the cost of the goods.);

wherein information including distribution costs defined in the distribution cost table based on the shipping place information and arrival place information is transmitted to the buyer's terminal device for every piece of selling information output from the seller's terminal devices, when a purchase request is issued for the buyer's side terminal devices to the selling information (In this modified scenario buyers receive prices incorporating the cost of delivery);

(Regarding claim 56) first dealing processing means for executing a sale based on buying information output from said buyer's terminal devices relating to goods for sale (Examiner construes the central controller 200 shown in figure 1 to execute a sale based on the buying information.);

Second dealing processing means for executing a sale based on selling information output from the sellers' terminal devices relating to goods for sale (Examiner

construes the central controller 200 shown in figure 1 to execute a sale based on the sellers' information );

Third dealing processing means for processing a sale in which a bargain is concluded with every agreement between the buying information and the selling information for the goods after collating selling information on unsold goods among the selling information output from the seller's terminal devices and buying information newly output from the buyer's terminal devices, following executing processing of a sale by the first dealing processing means and second processing means (Walker discloses the ability to process multiple sales possibilities and therefore is capable of processing data of a first and second seller, then processing data of a third seller. The first sale being the first means, the second sale being the second means and the third sale being the third means.);

(Regarding claim 57) wherein said market management device third dealing processing means classifies the unsold goods as goods to be excluded and as goods to be sold (When the third sale is carried out the goods would be classified as sold, if the goods did not sell in the third sale they would be unsold goods and are excluded as goods to be sold for that match);

(Regarding claim 58) wherein the market management device further comprises pre-confirmation dealing processing means for executing a pre-confirmation of sale based on forecast information before confirmation of the amount of goods to be received (Examiner takes Official Notice that it is old and well known in the art of supply chain automation for sellers to use forecasting to predict what quantities of goods they

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will have available for sale so sellers can take measures to sell this predicted future inventory. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system as modified above with seller forecasting of future inventories as taught by Examiner's Official Notice, in order to provide sellers the ability to take measures to sell their predicted future inventory. The Walker system discloses confirming the availability of flights/goods from sellers in order to complete the sale.);

wherein the seller's terminal devices transmit forecast selling information to the pre-confirmation deal processing means before confirmation of the amount of the goods to be received (In this above modified scenario the forecast quantities are used to identify potential future sales.);

transmit selling information to the first dealing processing means and/or second dealing processing means after confirmation of the amount of the goods to be received (Examiner takes Official Notice that it is old and well known in the art of supply chain automation for sellers to confirm orders to ensure buyers that the orders will be fulfilled. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system as modified above with seller confirmation as taught by Examiner's Official Notice, in order to ensure buyers that the orders will be fulfilled.), and

transmit selling information for the goods to be sold to the third dealing processing means when unsold goods result from at least any processing among the pre-confirmation dealing processing means, the first dealing processing means, and the



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second dealing processing means (Walker discloses the ability to process multiple sales possibilities and therefore is capable of processing data of a first and second seller, then processing data of a third seller. The first processing being the first means, the second processing being the second means and the third processing being the third means. Processing of the same selling information at a different time is done to identify any new buyers with criteria meeting the selling information. For example, an airline is offering a specific price for an airline ticket, an initial processing does not identify a buyer, but later a buyer places an offer that meets the sellers criteria and a sale takes place.);

(Regarding claim 69) a first dealing processing step for executing a first deal by pre-engagement based on the buying information, including requested buying date information output from the buyer's terminal devices for the goods and/or based on selling information including an expected selling date information output from the seller's terminal devices for the goods (Examiner construes the central controller 200 shown in figure 1 to execute a sale based on the buying information which Examiner has modified above to include buying date information to provide buyers with the assurance of receiving the goods at a certain time);

a second dealing processing step for executing subsequent deals for unsold goods following the first deal, the second processing step ordering selling information based on selling conditions for the unsold goods from the selling information and any updated selling information received from the sellers terminal devices and collating the selling information and buying information according to the order, the second

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processing step concluding a sale of goods each time the selling information agrees with buyer information received from the buyers terminal devices (Examiner construes the buyer and seller databases shown in figure 2 to determine a processing order for the selling information as the seller database contains sellers' offers and are inherently saved in some organized order to allow retrieval of information. Additionally Examiner has taken official notice that it is old and well known to organize data into categories and subcategories within a database to expedite data processing. Examiner construes the central controller 200 shown in figure 1 to process by "collating" (this term is construed by the Examiner to mean compare critically) sellers' and buyers' information in order to find a match to generate a sale.);

(Regarding claim 70) a dealing processing step for executing processing of a first sale based on the buying information including requested buying date information output from the buyer's terminal devices and/or based on selling information including expected selling date information output from the seller's terminal devices (Examiner construes the central controller 200 shown in figure 1 to execute a sale based on the buying information which Examiner has modified above to include buying date information to provide buyers with the assurance of receiving the goods at a certain time);

first cluster formation step for forming clusters of buying information under the same buying conditions included in the buying information, as to said plural pieces of the buying information (Walker stores buyer's information which includes information such as a description of goods, figure 5, this is stored in a database which is searched

to match seller's information. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the buyers' data (such as faster processing time);

a second cluster formation step for forming clusters of selling information which meet conditions corresponding to the respective clusters of the buying information, as to plural pieces of selling information (Walker stores seller's information which includes information such as a description of goods, this is stored in a database which is searched to match seller's information. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the sellers' data (such as faster processing time);

a computer readable storage medium to record a computer program for letting the goods dealing apparatus execute a contract making step for concluding a bargain by linking selling information with buying information between the clusters formed by the first cluster formation step and the corresponding clusters formed by the second cluster

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formation step based on a predetermined processing order for the clusters of the buying information of a predetermined processing order for the clusters of the selling information (Walker discloses the matching of buyer and seller information in order to make a sale and Examiner has modified Walker to incorporate data organized into clusters for speedy processing. Walker stores information in buyer and seller databases such as the ones shown in figure 2 which are accessed and compared in order to match buyers and sellers, the system processes the data in some form of processing order in order for the data to be compared to make a match. See discussion above regarding "collating".);

### ***Response to Arguments***

5. Applicant's arguments filed 11/17/05 have been fully considered but they are not persuasive.

Applicant argues that Walker does not disclose "the purchase and sale process based on a plurality of pieces of buying information as well as a plurality of pieces of selling information. Examiner contends that Walker, in matching multiple buyers and multiple sellers to complete multiple sales discloses a plurality of buyers and sellers of the same product being linked together to form a sale. It appears the Applicant has argued that the Walker system only is designed to work for one buyer. The second sentence of the Abstract discusses how the Walker system allows buyers to communicate offers to sellers which sellers can search and a contract, or sale, can be made, therefore two or more people may wish to purchase tickets via the system.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the M:N transaction scenario, that it is not necessary that the buyers or sellers compete against each other, only that each has what the other wants and a common buying and selling price) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant has argued that the Examiner's assertions of Official Notice are improper. Examiner notes that Applicant has not stated that they believe the Official Notice to be incorrect.

Examiner provides the following references to support the taking of Official Notice:

Prices of goods get lower with time—Barron's Dictionary of Business Terms definition of perishable and depreciation which teach that it is obvious for certain goods to have lower prices with time due to the nature of the good. Examiner further notes that this limitation is included in the preamble which is only given little patentable weight.

Buyer presentation of purchase dates and delivery locations—Peterson et al. (US 6,324,522) see column 23 line 58 and column 25 line 3 that teaches the entry of a purchase date and delivery location to ensure procured goods arrive at the specified location when the buyer needs them.

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Displays to view data—Microsoft Press Computer Dictionary definition of display page teaches that it is well known to use a display to communicate information visually.

Sort data-- Microsoft Press Computer Dictionary definition of sort teaches that it is well known to sort data in order to organize the data in some particular order.

Delivery cost tables and forecasting—Shavit et al. (US Patent 4,799,156) discloses the use for forecasting in column 7 lines 19+ for sellers to use to predict future amounts and discloses the inclusion delivery charges in column 16 line 55 to obtain the cost of freight for goods requested.

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571/272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Elaine Gort', with a long horizontal stroke extending to the right.

Elaine Gort  
Primary Examiner  
Art Unit 3627

April 27, 2006